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SUBJECT: Niger: TIP Tier 3 Reassessment

REF: State 81476

¶1. This update provides Embassy Niamey's response to reftel para 4.

¶2. The Government of Niger (GON) has not yet enacted legislation drafted in 2006 prohibiting human trafficking. Embassy Niamey, however, continues to prod the GON to do so. Efforts to prosecute and punish trafficking offenders, particularly those guilty of slavery offenses, are weak in the absence of legislation prohibiting human trafficking. There have been very few prosecutions and convictions of trafficking cases based on other provisions of the penal code.

¶3. Appeals continue in the slavery case against Naroua, Hadizatou Mani's master. On July 21, 2009, the tribunal of Birni N'Konni convicted and sentenced him to a two year suspended term, and ordered him to pay one million CFA (\$2,000) in damages to Hadizatou and a fine of CFA 500,000 (\$1,000) to the State of Niger. On July 25, 2009, Naroua complained that the sentence was excessive, and filed an appeal before the Court of Appeals of Niamey. The same day, Nigerien human rights non-governmental organization (NGO) Timidria counter-appealed before the same court, claiming that the sentence against Naroua was not sufficiently stringent. No date has been set for hearings.

¶4. Efforts continue to rescue victims of traditional slavery practices. Embassy Niamey inquired regarding NGO reports of Nigerien girls sold to Nigerian businessmen in Zaria, Nigeria. NGOs reported that they had brought the issue to various Government of Niger (GON) ministries, including those of Justice; Women's Promotion and Children's Protection; and Interior, Public Security, and Decentralization, which promised to investigate. To date, the pertinent ministers have not responded. Embassy Niamey also received information that two women had been released by their "husbands" and that they had returned to their families in Niger and gotten married to men of their choice.

¶5. Efforts to educate the public about the law criminalizing traditional slavery practices in Niger during the past several months have included the following:

-- On April 3, 2009, ECOWAS ministers adopted a policy that would provide the region with a legal mechanism for protecting and assisting victims of trafficking. The policy commits member states to providing victims of trafficking in persons (TIP) equitable access to assistance programs to facilitate their reintegration as functional members of society. The policy's core areas include reception, identification, sheltering, health, counseling, family tracing, return/repatriation, integration, empowerment, follow-up, after care, and disengagement of victims;

-- On April 27, 2009, Niger's Christian Workers Association organized a sensitization seminar on the working conditions of household helpers and restaurant service workers. The seminar aimed to educate participants on their rights and on the prevention of risks that their work may involve; these included various forms of exploitation and trafficking;

-- On June 10-12, 2009, on the occasion of the World Day Against Child Labor, the International Labor Organization International Program for the Elimination of Child Labor (ILO/IPEC) organized public events and a conference aimed at raising awareness on the issues Niger faces in combating the worst forms of child labor and child trafficking;

-- On June 16, 2009, Niger's First Lady and the Minister of Women's Promotion and Children's Protection chaired a town hall meeting to sensitize the public on the occasion of the African Children's Day. Several cabinet members, diplomats, international organization representatives, NGOs, and the public attended the event. The Minister of Women's Promotion and Children's Protection stressed the GON's commitment to implementing the relevant ILO conventions ratified by Niger, notably ILO Convention 182, in order to improve the situation of Niger's children. The Minister called on the population to "massively" participate in all of the child protection sensitization sessions; she also urged the media to provide extensive coverage of the activities. During the event, the Coalition of NGOs and Associations supporting Childhood in Niger (CONAFE-Niger) conducted public advocacy in which it welcomed "encouraging progress" in child protection; however, CONAFE-Niger "deplores the National Committee on Child Survival's lethargy and the lack of resources to facilitate its work...CONAFE-Niger is deeply concerned by the non-adoption of the Children's Code and the anti-trafficking law, and the inexistence of several legal provisions;"

-- On June 25, 2009, Embassy officers visited three artisanal gold mines in Tillabery region, and noted that the GON and several NGOs have invested in both infrastructure and social programs to combat child labor and trafficking; and

-- On July 28, 2009, the Nigerien Association for the Fight against Delinquency (ANTD), a local NGO working on child labor and trafficking, and the Open Society Initiative for West Africa (OSIWA) organized a three-day workshop to sensitize marabouts (religious teachers) on the promotion of rights and the fight against children's forced and illegal migration. Ambassador Allen opened the workshop, and reiterated USG and her strong personal support for efforts to combat child labor and trafficking.

16. Comment: Niger has very limited resources; since May GON officials at all levels have been distracted by the campaign for a referendum to adopt a new constitution. In July, the GON issued a circular directing all government officials, international organizations, NGOs, and other donors to postpone seminars and other events until after the referendum. The Ministry of Social Affairs and Labor's Human Rights Director, a key contact on TIP issues, received a new portfolio in June. The GON appointed her replacement in mid-August. End comment.

ALLEN